

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JANE DOE, et al.,

Plaintiffs,

v.

**Civil Action 2:23-cv-02704
Judge Edmund A. Sargus
Magistrate Judge Kimberly A. Jolson**

**TEAYS VALLEY LOCAL SCHOOL
BOARD OF EDUCATION, et al.,**

Defendants.

ORDER

Before the Court is Defendants' Motion for a Rule 35 exam of Plaintiff John Doe. (Doc. 32). The Court previously stated that certain protections should be in place during minor John Doe's examination but left it up to the parties to fashion the conditions. (Doc. 41). The parties have done so. (Doc. 42). Accordingly, for good cause shown, the Court **GRANTS** the Motion **in part** and **ORDERS** John Doe to attend a Rule 35 examination with the following conditions:

1. The Rule 35 examination done by Dr. Cheryl D. Wills will follow the same basic format as did Plaintiffs' expert Dr. Bassman. She will first meet with Jane Doe and John Doe together, then meet with Jane Doe alone, then meet with John Doe alone where Jane Doe, as chaperone, will be able to listen to the conversation from a different room, either through the open door of an adjacent room or through a speaker projecting the conversation in real time. Thereafter, if necessary, Dr. Wills will meet with Jane Doe again.
2. The Rule 35 examination should take approximately 3–4 hours.

3. Dr. Wills will not be evaluating Jane Doe, just obtaining information from her regarding John Doe, similar to that done by Plaintiffs' expert Dr. Bassman.
4. Dr. Wills will audio record these interviews as her own confidential property. The audio recording will remain confidential and not be available for review unless there is a dispute by Plaintiffs as to what was said during the examination process. If such a dispute occurs, only that portion of the recording will be available for review. Otherwise, the recording will remain Dr. Wills's confidential property, not accessible to counsel or others in this case.
5. The Rule 35 examination is scheduled for September 25, 2024, at 11:00 a.m. at a neutral location in the Columbus metropolitan area, currently being identified.

Additionally, Defendants ask that their expert report deadline be extended by about three weeks to accommodate the examination. (Doc. 42 at 2). The Court **GRANTS** the request. Defendants' expert report deadline is extended to **October 9, 2024**. No other deadlines are impacted.

IT IS SO ORDERED.

Date: August 29, 2024

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE